

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Wade Stepney, Jr. #141962, a/k/a )  
Wade Stephney, Jr., a/k/a Wade Stephney, )  
Plaintiff, ) C/A No. 8:09-0771-MBS  
vs. )  
D. Beckwith, SCDC Warden at Wateree )  
River Correctional Institution; Deputy )  
Warden Blanding; Major Boggs; Captain )  
Gasden; Lt. Brown; Sgt. Davis; Sgt. )  
Hoosier, )  
Defendants. )  
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)

**O R D E R**

Plaintiff Wade Stepney, Jr. Is an inmate of the South Carolina Department of Corrections who currently is housed at Wateree River Correctional Institution (WRCI) in Rembert, South Carolina. Plaintiff, proceeding pro se, filed a complaint on March 30, 2009, asserting that he has been injured from being subjected to second-hand smoke at WRCI. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On April 10, 2009, the Magistrate Judge issued a Report and Recommendation in which she recommended that Plaintiff's complaint be summarily dismissed to allow Plaintiff to exhaust his administrative remedies. See 42 U.S.C. § 1997e(a); Porter v. Nussle, 534 U.S. 516, 524 (2002). Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Plaintiff's complaint is summarily dismissed, without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

May 12, 2009.

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**